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October 15, 2007

VIA ELECTRONIC & US MAIL

Ms. Alice Yeh
ATTN: Lower Passaic River Remedial Project Manager
Emergency and Remedial Response Division
U.S. EPA, Region 2
290 Broadway, 19th Floor
New York, New York 10007

Re: Monthly Progress Report No. 5 – September 2007

Lower Passaic River Study Area (LPRSA) Remedial Investigation/
Feasibility Study (RI/FS)

CERCLA Docket No. 02-2007-2009

Dear Ms. Yeh:

de maximis, inc. is submitting this Monthly Progress Report for the above-captioned project on the behalf of the RI/FS Agreement Settling Parties (Cooperative Parties Group or CPG) pursuant to the Administrative Settlement Agreement and Order on Consent (Settlement Agreement or AOC). The Progress Report satisfies the reporting requirements of Paragraph 42 of said Settlement Agreement.

(a) Actions which have been taken to comply with this Settlement Agreement during the previous month.

Meetings/Conference Calls

 On September 5, 2007, representatives of the CPG participated in two Sampling Work Group conference calls with representatives of EPA and the Partner Agencies to discuss analytical chemistry issues and proposed sediment sampling plan for the Fall 2007 field program. Ms. A. Yeh LPRSA RI/FS - Progress Report No.5 –September 2007 October 15, 2007 Page 2 of 6

- On September 6, 2007, representatives of the CPG participated in two Sampling Work Group conference calls with representatives of EPA and the Partner Agencies to discuss an approach for identifying an appropriate reference site/sites for the RI/FS risk assessments, Water Resource Development Act restoration planning, and the Natural Resource Damage Assessment and the proposed Fish Community/Fish Tissue UFP/QAPP for the Fall 2007 field program.
- On September 7, 2007, representatives of CPG (ENSR) participated in a conference call with representatives of the EPA and modeling contractor HydroQual (HQI) to discuss questions pertaining to modeling deliverables received to date.
- On September 17, 2007, representatives of the CPG (de maximis and Windward) and USACE discussed benthic sampling data use objectives in a telephone conversation.

Correspondence

- On September 4, 2007, CPG confirmed through a series of emails that a conference call to discuss questions on modeling deliverables would occur September 7, 2007. On September 5, 2007, CPG provided a list of questions to EPA's modeling contractor HQI, in advance of the September 7, 2007 conference call.
- On September 7, 2007, CPG provided projected multi-beam (MB) survey schedule to EPA which projected commencement of data collection on Sunday September 9, 2007. On Saturday, September 8, 2007, CPG notified EPA that quality control checks would extend through Sunday, September 9, 2007 and data collection would commence on Monday, September 10, 2007. Multiple correspondences occurred during this period to update the EPA through its contractor Malcolm Pirnie (MPI) to schedule and coordinate oversight of MB survey data.
- On September 13, 2007, EPA provided follow-up on analytical chemistry issues from the September 5, 2007 Sampling Work Group call.



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- On September 17, 2007, the CPG submitted Monthly Progress Report #4 to EPA.
- On September 17, 2007, EPA requested the SOP for the Pesticide High Resolution GC/MS (HR GC/MS) Analytical Method proposed by the CPG for the Fall 2007 field sampling program. The CPG provided a HR GC/MS SOP and supporting performance documentation to EPA on September 26, 2007.
- On September 17, 2007, CPG inquired with EPA about the substantive requirements for complying with the NJ Biological Sample Permit. EPA clarified that the permit should be completed and submitted with approved Fall 2007 Fish Community/Fish Tissue UFP/QAPP.
- On September 19, 2007, CPG submitted a request for specific Hydrodynamic model output files to HQI. HQI replied with return questions which ENSR addressed on September 21, 2007. On September 25, 2007, CPG received the request model output files.
- On September 20, 2007, EPA notified CPG that CARP database CDs had been copied and mailed.
- On September 27, 2007, CPG notified EPA that the floating dock was installed at the Rutherford field facility and that CPG had taken delivery of a Jon boat to replace the Nautico boat for survey work in the upper (shallow) portions of the LPRSA.
- On September 27, 2007, EPA sent CPG an EPA guidance document on EPA approval of analytical methods.
- On September 27, 2007, CPG also sent to EPA the proposed approach for reference site selection as agreed in the September 6, 2007 Sampling Work Group teleconference.
- On September 28, 2007, CPG sent EPA the revised Fall 2007 Habitat UFP/QAPP and response to EPA and Partner Agencies comments.

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 On September 28, 2007, CPG informed the EPA that the 2007 Sediment Sampling Addendum and the Fish Community/Fish Tissue UFP/QAPP would be submitted on October 1, 2007.

Work

- MB survey work detailed in the Bathymetry Survey Plan commenced on September 6, 2007 with quality assurance/quality control work; data collection commenced on September 10, 2007. On-water work was conducted continuously from September 10 through September 22, 2007. EPA oversight accompanied the data collection on September 11, 16 and 21, 2007.
- Planimetrics and contouring portions of the aerial mapping work product continued by subcontractor GEOD.
- Responses to Analytical Laboratory Request for Proposal for 2007 sample collection were reviewed and selected laboratories include: Test America, Columbia Analytical and Brooks Rand. Analyte groups to be performed by each laboratory are summarized in respective field plan documents submitted to the EPA on October 1, 2007.
- Work continued on review of the Lower Passaic River/Newark Bay (LPR/NB) Hydrodynamic model provided by the EPA in late June including confirmation of model output for select runs.
- Following comment review meeting on August 22, 2007 and follow up conference calls on September 5 and 6, 2007, Fall 2007 Sediment Sampling Plan Addendum, Habitat UFP/QAPP and Fish Community/Fish Tissue UFP/QAPP were revised. Revised plans and response to Agency/Stakeholder comments were submitted to EPA on September 27, 28 and October 1, 2007.

(b) Results of Sampling and Tests

Processing of the LPRSA aerial photography task approved by the EPA in March 2007 has progressed. Final ortho photos are being used in the development of figures in 2007 Fall field plans including preliminary habitat map work performed in advance of field reconnaissance. Contouring is nearly completed as is planimetric work. CPG is anticipating the latter items on or before October 12,



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2007 at which time a review of the deliverables will be completed. Barring no issues with the review, a complete aerial photography deliverable will be provided to the EPA on October 17, 2007.

CPG anticipates receipt of a complete bathymetric data deliverable from the subcontractor on November 12, 2007. CPG has received raw data on single-beam (SB) track lines but no other data have been provided to date.

No sampling was conducted during the reporting period.

(c) Work planned for the next two months with schedules relating to the overall project schedule for RI/FS completion

On August 16, 2007, the CPG received EPA and Partner Agency comments on draft 2007 field work plans and met on August 22, 2007 to review these comments and to formulate a plan for addressing specific comments requiring further clarification or discussion. Further discussions were conducted on September 5 and 6, 2007. Within the reporting period, responses to comments were provided and revised plans submitted. It is the CPG's understanding that revised plans will be reviewed and approved such that field work can commence in late October. The commencement of field work in late October allows for the timely development of the 2008 Field Plans and for the next phase of field work to begin during the second quarter of 2008. A specific field work schedule will be communicated to the EPA pursuant to requirements of Attachment B (page 5, paragraph 5b) to the Settlement Agreement. It is the CPG's goal to complete all field activities no later than the third week in November.

A final data report on both single and multi-beam surveys is scheduled for delivery in early November to the CPG; upon review these data will be forwarded to EPA and the Partner Agencies.

The full aerial survey package is due to CPG by October 12, 2007. Upon demonstrating acceptable controls and reports, a package will be delivered to EPA and the Partner Agencies later in October.

Over the next reporting period, the CPG will continue work on post-processing of output from LPR/NB Hydrodynamic model runs. The LPR/NB Sediment Transport model application development will be initiated within the next two reporting periods.

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The Feasibility Study Work Plan is being developed and will continue development within the next two reporting periods.

(d) Problems encountered and anticipated problems, actual or anticipated delays, and solutions developed and implemented to address actual or anticipated problems or delays.

CPG is not in receipt of all Modeling Deliverables that were to be provided pursuant to Appendix E (Modeling Data Needs) of the Settlement Agreement on or about April 30, 2007. EPA informed CPG of the delay on May 4, 2007. Currently, outstanding items include: documentation for RCA-EUTRO (SWEM), RCA-TOX and Farley Bioaccumulation model.

If you have any questions, please contact me or Rob Law at (908) 735-9315.

Very truly yours,

de maximis. ind

Willard F. Potter **Project Coordinator**

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